

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
CIVIL ACTION NO. 4:15-cv-42-BR

KIRSTEN MESSMER,)	
)	
Plaintiff,)	
)	
v.)	
)	
DONNIE HARRISON, in his Official)	
Capacity as Sheriff of Wake County, North)	
Carolina, PAT McCrory, in his Official)	
Capacity as Governor of North Carolina,)	
ROY COOPER, in his Official Capacity as)	
Attorney General of North Carolina, and)	
FRANK L. PERRY, in his Official)	
Capacity as Secretary of the North)	
Carolina Department of Public Safety,)	
Defendants.)	

MOTION FOR PRELIMINARY
INJUNCTION

COMES NOW, Plaintiff, Kirsten Messmer, and moves the Court for a preliminary injunction. In support of this motion, Ms. Messmer respectfully shows the Court the following:

1. Ms. Messmer is a resident of Wake County, North Carolina, and a lawful permanent resident alien of the Federal Republic of Germany.
2. North Carolina law, N.C.G.S. § 14-415.12, restricts issuance of concealed handgun permits to United States citizens, so Ms. Messmer is not qualified under the statute to obtain a concealed handgun permit.
3. Ms. Messmer currently holds a concealed handgun permit issued by the State of Utah. North Carolina law recognizes the validity of this permit by virtue of a reciprocity statute,

N.C.G.S. § 14-415.24. Ms. Messmer therefore can carry a concealed handgun in North Carolina so long as her Utah permit is valid.

4. Ms. Messmer's Utah permit will expire on July 15, 2015, and due to a change in Utah law regarding non-residents holding concealed handgun permits, Ms. Messmer must obtain a concealed handgun permit from her state of residence in order to renew her Utah permit. Because Ms. Messmer is a resident of North Carolina but not a United States citizen, she cannot obtain a concealed handgun permit from North Carolina, and her right to carry a concealed handgun will expire with her Utah permit unless this Court grants her preliminary injunctive relief.

5. Discriminating against lawful permanent resident aliens regarding their Second Amendment rights is unconstitutional.

6. For these reasons and for the reasons stated in the Memorandum of Law in Support of Motion for Preliminary Injunction, filed with this motion, Ms. Messmer is entitled to an order enjoining Defendants from requiring United States citizenship as a condition for obtaining a concealed handgun permit. Ms. Messmer also has submitted her Declaration in support of this motion, also filed with this motion.

WHEREFORE, Plaintiff, Kirsten Messmer, respectfully prays this Court to enter an order enjoining the Defendants from requiring United States citizenship as a condition for obtaining a concealed handgun permit under N.C.G.S. § 14-415.12.

Respectfully submitted, this the 10th day of March, 2015.

WILLIAMS MULLEN

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